

# Wetlands Bureau Decision Report

Decisions Taken  
12/06/2004 to 12/12/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2003-00491 PSNH, ATTN: BEA HEBERT**  
**DOVER Cocheco River**

### Requested Action:

Amend permit to include: a) the installation of 156 linear feet of sheet piling along the north bank to stabilize the river bank and maximize sediment removal from the navigation channel.

b) the placement of 1,600 cu. yds. of clean gravel fill to stabilize dredge slopes.

c) the in-kind replacement of 76 wooden piles removed to facilitate the dredging operation.

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### Conservation Commission/Staff Comments:

Conservation Commission did not report.

Inspection Date: 04/14/2003 by Dori A Wiggin

### APPROVE AMENDMENT:

Amend permit to include: a) the installation of 156 linear feet of sheet piling along the north bank to stabilize the river bank and maximize sediment removal from the navigation channel.

b) the placement of 1,600 cu. yds. of clean gravel fill to stabilize dredge slopes.

c) the in-kind replacement of 76 wooden piles removed to facilitate the dredging operation.

Dredge 121,815 square feet (19,000 cubic yards) of contaminated sediments from the Cocheco River as part of Public Service Company of New Hampshire's ("PSNH") remediation of a former manufactured gas plant facility and other contamination sources, per the requirements of DES Waste Management Division; and construct 120 linear feet of associated sheet pile contamination cut-off wall with extraction vaults in the north bank of the river. This project overlaps with dredging to be done by the Army Corps of Engineers to access dredge spoil off-loading location on the south side of the river for the Cocheco federal navigation dredge project.

### With Conditions:

1. Any future work in NH DES Wetlands Bureau jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services.
2. All work shall be in accordance with plans by the U.S. Army Corps of Engineers and Haley and Aldrich dated May 2003 as received by the Department on 5/28/03; and narrative technical materials dated March 2003 as received by the Department on 3/19/03, and dated 5/28/03 as received by the Department on 5/28/03.
- 2a. The amendment approved on December 12, 2004 shall be in accordance with Addendum #3 prepared by Haley & Aldrich dated 27 August 2004 and received by the Department via FAX on 25 October 2004.
3. This project shall be coordinated with the U.S. Army Corps of Engineers and affiliated federal resource agencies.
4. All dredging and dredge materials disposal shall occur between November 15th and March 15th as required by administrative rule Wt 304.11.
5. Prior to the initiation of dredging, DES shall be provided with a project operation plan or equal as to how any release of oil not entrained in sediment will be handled, including control and clean-up procedures.
6. Prior to the initiation of dredging, DES shall be provided with plans and narrative description for the erosion/siltation controls to be employed at the off-loading location to ensure that no re-release of sediments back into the river will occur during the transfer of spoils from the barge to trucks, and the movement of the trucks in and out of the transfer area.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau, as coordinated and approved by the DES Waste Management Division.
9. This permit is valid for five years from the date of issuance. Within this time period, any further maintenance dredging/dredged materials disposal, after the proposed project is accomplished, shall require notification and review by DES.
10. Coastal staff shall be notified in writing prior to commencement of work and upon completion.

With Findings:

1. This is a major project per Wt 303.02 (a) as a project in tidal waters, and per Wt 303.02 (k), projects in a wetland that have been identified by NH Natural Heritage Inventory as having documented occurrences of state listed Threatened Species.
2. On March 19, 2003 DES received an application from PSNH to dredge 96,300 sq. ft. of substrate from the Cocheco River, and install 120 linear ft. of associated sheet pile contamination cut-off wall with extraction vaults in the north bank of the river, to remediate deposition of contaminated sediments from the river bottom, and collect and remove migrating coal tar generated from the site of a former coal-powered manufactured gas plant ("MGP"). The plant was in operation from 1851 to 1957.
3. The site is designated by DES Waste Management Division ("WMD") as remediation Site Number 19840100047 for which a remedial action plan ("RAP") has been completed, and which includes provisions for removal of contaminated soil and sediments. Groundwater contamination conditions will be addressed through a DES Groundwater Management Permit.
4. PSNH is the "responsible party" for remediation of site contamination at the former MGP as required by DES WMD, and therefore has applied for this permit. The record contains a letter dated 5/21/03 from Pease Development Authority- Division of Ports and Harbors ("PDA"), authorizing PSNH to proceed as applicant for this project within the public ownership of waters of the State of New Hampshire.
5. The Cocheco River was approved for 2.7 miles of navigational dredging under permit 2001-932 on July 18, 2002. The Army Corps of Engineers ("ACE") will conduct the dredge, and has agreed to perform the remedial dredge applied for herein in conjunction with the navigational project. This part of the river is upstream and immediately contiguous with the federally authorized portion of the channel, but is no longer part of the federal authorization, however ACE will be dredging this area to improve access to the dredge spoil off-loading location. On April 18, 2003, ACE provided PSNH with the footprint of area that ACE will dredge for access to the dredge spoil off-loading location, which will be inclusive of the remediation area.
6. Per the April 18, 2003 footprint provided by the ACE, PSNH has revised its dredge footprint to match the ACE footprint to minimize impacts by capitalizing on timing with the federal dredging and sediment disposal, which raises the total dredge area applied for to 121,815 sq. ft. or 19,000 cubic yards
7. Impacts of dredging in this river were thoroughly investigated, considered, and satisfactorily answered within the realm of the federal navigation project review under permit file 2001-932, PDA-DPH, Cocheco River Dredge, relative to the criteria for application evaluation required per Administrative Rule Chapter Wt 300. This project represents an overlay and small extension of the same project. Extensive findings have already been established by DES under 2001-932, a copy of the findings from which is contained within this record, and directly apply to the current application. With respect to the sediment contamination in this area of the river, DES WMD states in a letter dated 4/24/03, that, based on sampling data from this portion of the river, the sediment characterization is the same as that reviewed for the federal navigation portions of the river.
8. On April 14, 2003 DES personnel inspected both the current application site, and a similar remediation site in Laconia which demonstrated the installation of sheet piling cut-off wall and the extraction vaults in a finished and functioning state. The Dover site consists of landward work on the George's Marina property, and work within the river immediately adjacent. The dredge spoil off-loading location is across the river. Per wetland delineation materials by Normandeau Associates Inc. updated on May 5, 2003, application materials were found to accurately represent site conditions. Shoreline area of proposed containment cut-off wall location consists of a mix of deteriorated wooden retaining wall and deteriorated rip rap which will benefit from stabilization.
9. Pursuant to RSA 482-A:8 a public hearing was held on April 15, 2003. The applicant and their representatives, two of the shoreline property owners, City of Dover representatives, and Office of State Planning and DES personnel were the only attendees.
10. Dredge spoils will be disposed of at the dredge spoil disposal cell landfill, which has been approved by DES WMD, that the ACE will be constructing for spoil disposal for the federal navigation dredge. DES WMD has stated that the cell has the ability to accommodate the increase in volume generated by the additional project. Both the ACE and the City of Dover have stated their concurrence with this means of disposal.
11. The remedial nature of this project, along with improved navigation for spoil disposal, providing the indirect benefit of improved boating navigation for the Dover Landing area of the river represents demonstrated need as required per Wt 302.01(a)(1) and Wt 302.04(a).
12. This project represents avoidance and minimization per the requirements of Wt 302.03 and Wt 302.04(a)(2) by "piggy-backing" on the dredge being done by ACE, thereby creating only one episode of disturbance in the river.
13. The remaining criteria to be considered per Wt 302.04 have been addressed within the decision and findings issued for 2001-932, of which this project is a physical extension.
14. This project represents a significant benefit to the public interest by removing contaminated sediments from this estuarine ecosystem, and by preventing further contamination from the land-based source of the contamination. Landward remediation activities to remove contaminated soils within the tidal buffer zone will be applied for separately.

-Send to Governor and Executive Council-

**2004-02379                      CAMELOT TRUST, JOSEPH CARTER**  
**STRAFFORD   Bow Lake**

Requested Action:

Restore beach area by dredging 55.6 cu yds of silt material from 3000 sq ft of lakebed and replace with equal amounts of sand, and relocate one of 5 existing 4 ft x 20 ft docks, with a 3 ft x 14 ft existing walkway, to be next to an existing boat ramp on an average of 288 ft of frontage on Bow Lake, Strafford.

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Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Restore beach area by dredging 55.6 cu yds of silt material from 3000 sq ft of lakebed and replace with equal amounts of sand, and relocate one of 5 existing 4 ft x 20 ft docks, with a 3 ft x 14 ft existing walkway, to be next to an existing boat ramp on an average of 288 ft of frontage on Bow Lake, Strafford.

With Conditions:

1. All work shall be in accordance with plans by Joseph D. Carter dated August 11, 2004, revised on November 22, 2004, as received by the Department on November 29, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. No more than 55 cu yd of sand may be used to replace all the removed sediment located below the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. Work shall be done during low water.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(g), removal of more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on December 1, 2004. Field inspection determined the project to be appropriate for restoration of the beach area.

6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this lacustrine system.
7. The sediment to be removed from the beach area was deposited as a result of unpermitted wetland impacts conducted by an abutter.
8. This Wetlands Bureau will not permit repeat dredging of the beach area.

## MINOR IMPACT PROJECT

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**2001-00409                      SMITH JR, FRED**  
**MEREDITH   Lake Winnepesaukee**

### Requested Action:

Request permit amendment to replace the existing flat roofed boathouse with a pitched roofed boathouse having a smaller foot print.

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### APPROVE AMENDMENT:

Amend permit to read: Repair an existing 13'x 29'9" crib supported concrete dock with a 13'x 17'3" attached wooden dock section supported by pilings, remove a boulder protruding into the slip area and replace with a driven piling, and replace the existing 22'6" x 47' flat-roofed, boathouse with a 23 ft 9 in x 43 ft 7 pitched roof boathouse on 125' of frontage within Sally's Gut, Lake Winnepesaukee.

### With Conditions:

1. All work shall be in accordance with plans by Dave Driscoll Design dated September 12, 2004, as received by the Department on September 20, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit does not allow for maintenance dredging.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs/replacement to all structures, except the boathouse which shall be changed as approved, shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. The removed rock shall be placed out of the Department's jurisdiction.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

### With Findings:

1. This project is classified as a minor impact project per Rule Wt 303.03(d), modification of a permanent docking structure providing less than 5 slips.
2. The proposed modifications to the existing boathouse will reduce the square feet of construction surface area and therefore meets

the requirements of Rule Wt 404.22, Modification of Existing Structures.

**2003-02037                      BLAKE ROAD REALTY TRUST OF 2003, C/O PAMELA KOPKA**  
**EPPING   Unnamed Wetland**

**Requested Action:**

Dredge and fill approximately 14,575 square feet within forested wetlands and within the bed and banks of an unnamed perennial stream to construct a roadway to provide access to a 44-lot residential subdivision on approximately 123.08 acres. Fill approximately 1,600 square feet within forested wetlands to install a 15-inch diameter culvert and construct a driveway to provide access to a single lot (Lot 1) within the 44-lot subdivision.

As compensatory mitigation for wetlands and surface waters impacts preserve approximately 60.49 acres of wetlands and contiguous upland buffer on-site.

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**Conservation Commission/Staff Comments:**

In a letter to the DES Wetlands Bureau dated January 10, 2004 the Epping Conservation Commission expressed its dissatisfaction with the proposal to protect land on-site via deed restrictions on individual lots to compensate for proposed wetlands impacts. The Conservation Commission recommended the following two alternatives: 1) creation of a contiguous single-owner conservation parcel; or 2) a financial contribution toward the purchase of other conservation property in Epping.

In a letter to the DES Wetlands Bureau dated September 25, 2003 the Epping Conservation Commission requested a number of items including the following: 1) a written functional assessment of all wetlands on the property; 2) a discussion of specific project alternatives; 3) an alternate method of compensatory mitigation for wetlands impacts; and 4) additional information regarding Rule Wt 302.04(a)(2, 4, 5, 7, 11, 13, 14, 17 & 19).

Inspection Date: 01/16/2004 by Christian P Williams

**APPROVE PERMIT:**

Dredge and fill approximately 14,575 square feet within forested wetlands and within the bed and banks of an unnamed perennial stream to construct a roadway to provide access to a 44-lot residential subdivision on approximately 123.08 acres. Fill approximately 1,600 square feet within forested wetlands to install a 15-inch diameter culvert and construct a driveway to provide access to a single lot (Lot 1) within the 44-lot subdivision.

As compensatory mitigation for wetlands and surface waters impacts preserve approximately 60.49 acres of wetlands and contiguous upland buffer on-site.

**With Conditions:**

1. All work shall be in accordance with the following plans by Jones & Beach Engineers, Inc.:
  - a) The Subdivision Plan (Sheets 2 & 3 of 18), the Easement Plan (Sheets 4 & 5 of 18), and the Topography and Soils Plan (Sheets 8 & 9 of 18) dated October 1, 2002 and revised June 24, 2004, as received by the Department on July 23, 2004;
  - b) The Roadway Plan and Profile (Sheets 11 - 15 of 18) dated October 1, 2002 with various revision dates, as received by the Department on July 23, 2004;
  - c) The General Details (Sheets 16 & 17 of 18) and the Erosion and Sediment Control Details (Sheet 18 of 18) dated October 1, 2002 and revised May 14, 2004, as received by the Department on July 23, 2004; and
  - d) The Existing Conditions Plan (Sheets 6 & 7 of 19) dated October 1, 2002 and revised November 13, 2003, as received by the Department on March 18, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Epping Conservation Commission of the date project construction is proposed to begin.
9. Work shall be conducted during low flow conditions.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
23. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
24. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
25. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

#### Upland Buffer and Wetland Preservation:

26. This permit is contingent upon preservation of approximately 60.49 acres on-site, as depicted as open space areas A, B, & C on the Easement Plan (Sheets 4 & 5 of 18) by Jones & Beach Engineers, Inc. dated October 1, 2002 and revised June 24, 2004, as received by the Department on July 23, 2004.
27. The restrictions to be placed on the open space/preservation areas, as outlined in the Warranty Deed granted to the Town of Epping shall be written to run with the land, and both existing and future property owners shall be subject to these restrictions.
28. Trails construction and maintenance activities, as referenced in Section 3B (Reserved Rights) of the Warranty Deed, shall be conducted in accordance with the Best Management Practices for Erosion Control During Trail Maintenance and Construction, NH Department of Resources and Economic Development Division of Parks and Recreation, 1994 (updated 2004).
29. The plan noting the open space/preservation areas with a copy of the final Warranty Deed shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
30. The applicant shall prepare a report summarizing existing conditions within the open space/preservation areas. Said report shall contain photographic documentation of the open space/preservation areas, and shall be submitted to the DES Wetlands Bureau and the grantee prior to construction to serve as a baseline for future monitoring of these areas.
31. The open space/preservation area boundaries shall be surveyed by a licensed surveyor, and marked by monuments [stakes]

prior to construction.

32. Signs to indicate the location of and restrictions on the open space/preservation areas shall be posted no further than every 150 feet along the boundaries of the open space/preservation areas prior to construction.

33. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau of the placement of the open space/preservation area signs.

34. Activities in contravention of the Warranty Deed shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.
2. To avoid disturbing more highly functional wetland areas, the applicant shifted the subdivision roadway alignment further north. This roadway alignment also resulted in a reduction in the overall footprint of permanent wetlands impacts.
3. The Department finds that the concerns of the Epping Conservation Commission regarding the proposal to protect land on-site via deed restrictions on individual lots to compensate for proposed wetlands impacts, as expressed in its letter to the DES Wetlands Bureau dated January 10, 2004, have been addressed through the proposed protection of on-site open space/preservation areas granted to the Town of Epping.
4. To compensate for permanent project-related wetlands and surface waters impacts the applicant has agreed to preserve approximately 60.49 acres of wetlands, including a number of existing and potential vernal pools, and contiguous upland buffer on-site.
5. The wetlands compensatory mitigation proposal exceeds the ratios listed in Table 800-1 of the DES Wetlands Bureau's Compensatory Mitigation Rules (Chapter Wt 800).
6. In a memo dated August 21, 2003 the NH Natural Heritage Bureau indicated that the state-endangered Brook Floater had been identified in the project vicinity.
7. In a letter dated November 12, 2003 the NH Fish and Game Department stated that as proposed work will not impact the Lamprey River or the forested buffer adjacent to the Lamprey River, and as impacts to the on-site perennial stream will be reduced through installation of an open-bottom box culvert, the project has been designed to reduce potential impacts to the documented Brook Floater population.
8. DES Wetlands Bureau staff conducted a field inspection of the property on January 16, 2004.
9. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
10. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
11. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
12. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).
13. The Department finds that a complete technical review of site drainage issues, including stormwater analyses for quality and quantity of stormwater runoff, has been conducted by the DES Site Specific Program. This includes, but is not limited to, review of: methods to control peak stormwater discharge rates; construction erosion controls; and methods for treatment of stormwater runoff from impervious surfaces. Issuance of DES Site Specific Permit WPS-6815A on July 23, 2004 is indicative that all requirements of Env-Ws 415 have been satisfied.

**2004-00369 THE NEW MEADOWS INC**  
**DOVER Unnamed Wetland**

Requested Action:

Dredge and fill a total of 12,000 sq. ft. of palustrine scrub-shrub/ wet meadow wetlands to construct a roadway with sidewalks and appurtenant drainage structures to access a 384-unit apartment complex on a 78 acre parcel of land.

Compensatory wetlands mitigation will be provided as a 14.93 acre conservation easement adjacent to Knox Marsh Brook and the Bellamy River.

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Inspection Date: 07/02/2004 by Frank D Richardson



APPROVE PERMIT:

Dredge and fill a total of 12,000 sq. ft. of palustrine scrub-shrub/ wet meadow wetlands to construct a roadway with sidewalks and appurtenant drainage structures to access a 384-unit apartment complex on a 78 acre parcel of land.

Compensatory wetlands mitigation will be provided as a 14.93 acre conservation easement adjacent to Knox Marsh Brook and the Bellamy River.

With Conditions:

1. All work shall be in accordance with plans by Millette, Sprague & Colwell, Inc. dated January 15, 2004, as received by the Department on April 15, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Record approved plan with conservation easement for each appropriate lot within 30 days from receipt of this decision and submit a certified receipt from the Strafford County Registry of Deeds to the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be properly rip rapped.
13. NH DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

COMPENSATORY WETLANDS MITIGATION:

1. This permit is contingent upon the execution of a conservation easement on 14.93 acres as described in narrative and depicted on plans included in Conservation Easement Baseline Report prepared by NH Soil Consultants dated October 2004 and received by the Department on October 13, 2004.
2. The conservation easement to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Strafford County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h)to: Dredge and fill a total of 12,000 sq. ft. of palustrine scrub-shrub/ wet meadow wetlands to construct a roadway with sidewalks and appurtenant drainage structures to access a 384-unit apartment complex on a 78 acre parcel of land.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on July 02, 2004.

**2004-00378**

**POWERS, JAMES**

**WHITEFIELD Unnamed Wetland**

**Requested Action:**

Dredge and fill 5030 square feet for access in the subdivision of 34.66 acres into 3 single family lots. Restore 16,154 square feet of wetland disturbed during logging activities.

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**Conservation Commission/Staff Comments:**

The Whitefield Conservation Commission did not comment on the application.

Inspection Date: 05/14/2004 by Jocelyn S Degler

**APPROVE PERMIT:**

Dredge and fill 5030 square feet for access in the subdivision of 34.66 acres into 3 single family lots. Restore 16,154 square feet of wetland disturbed during logging activities.

**With Conditions:**

1. All work shall be in accordance with plans by Kellogg Surveying and Mapping Inc dated January 2004, and revised through October 7, 2004 as received by the Department on November 8, 2004 and Narrative by Lobdell Associates Inc., as received by the Department on March 9, 2004.
2. This permit is contingent upon the restoration of 16154 square feet of wetlands in accordance with approved plans and narrative.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
8. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
9. The schedule for restoration shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Work shall be done during low flow.
12. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.

17. Wetland (creation/restoration) areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
18. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. Silt fencing must be removed once the area is stabilized.
22. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
23. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 14, 2004. Field inspection determined the wetlands are accurately portrayed and there are no other lesser impacting alternatives.
6. The impacts associated with the restoration area are temporary and therefore mitigation is not being required.
7. The applicant has address all aspects of Administrative Rule Wt 304.09, Subdivisions.

**2004-00919 PD ASSOCIATES LLC**  
**NORTH HAMPTON Unnamed Wetland**

Requested Action:

Dredge and fill a total of 16,007 sq. ft. of palustrine forested/ scrub-shrub/ emergent wetlands on a site previously impacted by gravel mining activities for access and work associated with developing a 67-unit manufactured home park on a 37.4 acre parcel of land.

Compensatory wetlands mitigation will be provided by the construction of a 1.36 acre wetland detention basin and eradication of invasive wetlands plant species on site.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The North Hampton Conservation Commission has reviewed the project, has stated concerns, requested field inspection by DES staff, does not report opposition to the project.

Inspection Date: 07/27/2004 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 16,007 sq. ft. of palustrine forested/ scrub-shrub/ emergent wetlands on a site previously impacted by gravel mining activities for access and work associated with developing a 67-unit manufactured home park on a 37.4 acre parcel of land.

Compensatory wetlands mitigation will be provided by the construction of a 1.36 acre wetland detention basin and eradication of

invasive wetlands plant species on site.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated September 2003 (last revised 10/14/04), as received by the Department on November 08, 2004.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

COMPENSATORY WETLANDS MITIGATION:

1. This permit is contingent upon the creation of 1.36 acres of wetlands in accordance with plans and narrative received May 14, 2004 & addendum received July 27, 2004.
2. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
4. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
5. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. The permittee shall notify DES and the North Hampton Conservation Commission in writing of their intention to commence construction no less than 5 business days prior to construction.
8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
9. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
11. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

12. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

13. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h)to: Dredge and fill a total of 16,007 sq. ft. of palustrine forested/ scrub-shrub/ emergent wetlands on a site previously impacted by gravel mining activities for access and work associated with developing a 67-unit manufactured home park on a 37.4 acre parcel of land.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 27, 2004.

**2004-01854**

**WAUSAU PAPERS OF NH**

**NORTHUMBERLAND Upper Ammonoosuc River**

Requested Action:

Confirm emergency authorization to impact approximately 3,200 square feet (150 linear feet) within the bed and bank of the Upper Ammonoosuc River to protect an exposed effluent pipe and stabilize the river bank.

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Conservation Commission/Staff Comments:

No comments received from the Northumberland Conservation Commission.

Emergency Authorization issued on August 11, 2004.

CONFIRM EMERGENCY AUTHORIZATION:

Impact approximately 3,200 square feet (150 linear feet) within the bed and bank of the Upper Ammonoosuc River to protect an exposed effluent pipe and stabilize the river bank.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(l), as it involved less than 200 linear feet of disturbance within the bed and bank of a river.
2. The project was necessary to prevent failure of a buried effluent pipe and to stabilize the bank of the Upper Ammonoosuc River.
3. On August 11, 2004 the NHDES Wetlands Bureau issued an Emergency Authorization for work necessary to protect the effluent pipe and stabilize the river bank.
4. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
5. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03, given the emergency nature of the project.
6. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02067 OLESON, FREDRICK  
CANTERBURY Unnamed Wetland**

**Requested Action:**

Dredge and fill 2135 square feet including impact to 145 linear feet of intermittent streams in 4 crossing locations for access in the subdivision of 105.93 acres into 6 single family residential lots.

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**Conservation Commission/Staff Comments:**

The Canterbury Conservation Commission has not commented on the application.

**APPROVE PERMIT:**

Dredge and fill 2135 square feet including impact to 145 linear feet of intermittent streams in 4 crossing locations for access in the subdivision of 105.93 acres into 6 single family residential lots.

**With Conditions:**

1. All work shall be in accordance with plans by TF Bernier Inc dated July 2004, and revised through November 8, 2004 as received by the Department on November 16, 2004 and Subdivision Plans by TF Bernier Inc dated April 2004, and revised through August 11, 2004 as received by the Department on August 31, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has address all aspects of Administrative Rule Wt 304.09, Subdivisions.
6. The impacts within the Foster Road Right-of-Way are at the request of the Town of Canterbury and are a safety concern.

**2004-02334                      NEW IPSWICH, TOWN OF**  
**NEW IPSWICH   Souhegan River**

Requested Action:

Dredge and fill 1,000 square feet (including 770 square feet of temporary impacts) in riverine wetlands and within the banks of the Souhegan River to replace the Lower Ashby Road Bridge. Work within jurisdiction consists of the replacement of three (3) existing concrete pipes with an open bottom precast structure.

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Conservation Commission/Staff Comments:

No comments from the local conservation commission;

Project is located immediately up gradient and outside the protective buffer zone of the first reach of the Souhegan River.

SRLAC is in agreement with the proposal, stresses the need for appropriate sediment and erosion controls.

APPROVE PERMIT:

Dredge and fill 1,000 square feet (including 770 square feet of temporary impacts) in riverine wetlands and within the banks of the Souhegan River to replace the Lower Ashby Road Bridge. Work within jurisdiction consists of the replacement of three (3) existing concrete pipes with an open bottom precast structure.

With Conditions:

1. All work shall be in accordance with plans by HTA Consulting Engineers dated September 2004, as received by the Department on September 28, 2004.
2. This permit is contingent on review and approval by the DES Wetlands Bureau of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
4. Work shall be done during low flow.
5. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project will impact 112 linear feet of the bed and banks of a perennial stream for roadway upgrades and is therefore a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of a perennial nontidal stream channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The SRLAC is in agreement with the project, stresses the need for proper sediment and erosion controls.

**2004-02557                      BIGONY, FREDRICK**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Reduce an existing 8 ft x 58 ft "L" shaped crib dock by 9 sq ft, and install (4) tie-off pilings on an average of 122 ft of frontage on Piper's Point, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. recommended approval.

APPROVE PERMIT:

Reduce an existing 8 ft x 58 ft "L" shaped crib dock by 9 sq ft, and install (4) tie-off pilings on an average of 122 ft of frontage on Piper's Point, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated September 3, 2004, as received by the Department on October 22, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. All removed docking material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to driving pilings.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(m), installation of new tie-off pilings.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to



areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02641                      MONT VERNON, TOWN OF**  
**MONT VERNON   Hartshorn Brook**

**Requested Action:**

Impact a total of 1,100 sq. ft. of wetlands to replace a failing culvert on Wilton Rd., including impact for construction of inlet and outlet headwalls and associated rip rap; installation of a 36" x 50' concrete pipe culvert; installation of a 12" x 24' roadside drainage culvert in the bank; and temporary impact for installation of sandbag diversion of Hartshorn Brook.

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**APPROVE PERMIT:**

Impact a total of 1,100 sq. ft. of wetlands to replace a failing culvert on Wilton Rd., including impact for construction of inlet and outlet headwall and associated rip rap; installation of a 36" x 50' concrete pipe culvert; installation of a 12" x 24' roadside drainage culvert in the bank; and temporary impact for installation of sandbag diversion of Hartshorn Brook.

**With Conditions:**

1. All work shall be in accordance with plans by Vollmer Associates LLP dated 10/13/04, as received by the Department on 10/29/04, and per detail dated 12/10/04 as received by the Department on 12/10/04.
2. Unconfined work within the river, exclusive of work associated with installation of a sand bag cofferdam, shall be done during periods of low flow.
3. Sand bag cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
4. Temporary cofferdams shall be entirely removed immediately following construction.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during low flow.

**With Findings:**

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear ft. of a perennial stream that do not meet the criteria for minimum under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2004-00718                      BOURDEAU, ROBERT**  
**MILTON   Unnamed Stream**

Requested Action:

Request for after-the-fact approval to retain approximately 500 square feet of fill within the bed and banks of an intermittent stream and adjacent forested wetlands for installation of an 18-inch x 44-foot culvert to provide driveway access to a single-family building lot, and retain approximately 700 square feet of fill within the bed and banks of an intermittent stream and adjacent forested wetlands for installation of an 18-inch x 20-foot culvert for construction of a snowmobile trail.

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Conservation Commission/Staff Comments:

No comments received from the Milton Conservation Commission.

Restoration Plan Approval dated September 23, 2004.

APPROVE AFTER THE FACT:

Retain approximately 500 square feet of fill within the bed and banks of an intermittent stream and adjacent forested wetlands for installation of an 18-inch x 44-foot culvert to provide driveway access to a single-family building lot, and retain approximately 700 square feet of fill within the bed and banks of an intermittent stream and adjacent forested wetlands for installation of an 18-inch x 20-foot culvert for construction of a snowmobile trail.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. This decision is contingent upon adherence to each of the conditions of the DES Wetlands Bureau Restoration Plan Approval dated September 23, 2004.

With Findings:

1. The project is categorized as a Minimum Impact Project, per Rule Wt 303.04(z), as it involves less than 3,000 square feet of fill in wetlands and surface waters to provide access to a single-family building lot and for construction of a recreational (snowmobile) trail.

**2004-00767                      BARVEL WHANG ASSOCIATES**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Repair 422 linear ft of bulkhead wall in-kind, repair (13) 2 ft x 20 ft piling piers in-kind, and repair 210 linear ft stone wall in-kind on an average of 828 ft of frontage on Melvin Bay, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. had no objection to project.

APPROVE PERMIT:

Repair 422 linear ft of bulkhead wall in-kind, repair (13) 2 ft x 20 ft piling piers in-kind, and repair 210 linear ft stone wall in-kind on an average of 828 ft of frontage on Melvin Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Diversified Marine Construction revised on September 28, 2004, as received by the Department on October 28, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Repair shall maintain existing size, location and configuration.

6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-01717                      TAYLOR, JAMES**  
**HAMPTON   Taylor River**

Requested Action:

Perform 2,000 sq. ft. of structural renovations within the footprint of an existing building and install a replacement subsurface septic system located within the previously impacted upland tidal buffer zone adjacent to a salt marsh.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hampton Conservation Commission has reviewed this application and "... does not oppose the granting of a wetlands permit..."

APPROVE PERMIT:

Perform 2,000 sq. ft. of structural renovations within the footprint of an existing building and install a replacement subsurface septic system located within the previously impacted upland tidal buffer zone adjacent to a salt marsh.

With Conditions:

1. All work shall be in accordance with plans by ATTAR Engineering, Inc. dated 11/20/00, as received by the Department on July 23, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

**2004-02235                      NIGRELLI REVOC TRUST, JOYCE**  
**RYE   Atlantic Ocean**

Requested Action:

Impact 1,393 square feet within the 100-foot tidal buffer zone to relocate a 1,334 square foot single family residence back from the shoreline and in-kind replacement to an existing retaining wall, removal of a wooden deck and ramp on approximately 0.16 acres with approximately 32 feet of shoreline frontage.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Rye Conservation Commission has no objections with the project.

APPROVE PERMIT:

Impact 1,393 square feet within the 100-foot tidal buffer zone to relocate a 1,334 square foot single family residence back from the

shoreline and in-kind replacement to an existing retaining wall, removal of a wooden deck and ramp on approximately 0.16 acres with approximately 32 feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with the Site Plan by Living Spaces, Inc. dated September 14, 2004, as received by the Department on September 17, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit shall not be effective until it has been recorded with the Rockingham county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. Work shall be done during low flow conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b) Projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Wt 302.04(a), the abutter identified as Jacqueline Comeau, Tax Map 17.3 Lot 70 provided written consent concurring with work within 20-feet of the property line.

**2004-02381                      MARCOU, GERALD**  
**GORHAM   Moose Brook**

Requested Action:

Impact 300 square feet (36 linear feet) of the banks of Moose Brook to construct a bridge to provide access for forestry management practices.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments submitted by the conservation commission.

APPROVE PERMIT:

Impact 300 square feet (36 linear feet) of the banks of Moose Brook to construct a bridge to provide access for forestry management practices.

With Conditions:

1. All work shall be done in accordance with plans by the applicant, received by DES on September 9, 2004 and plan supplements prepared by Kellog Inc., received by DES on November 24, 2004.
2. All work shall adhere to the standards of the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire" published by the NH Dept. of Resources & Economic Development (also available on the Internet at: [http://www.nhdf.org/info\\_plan\\_bureau/fi&p\\_waterqualitybmps.htm](http://www.nhdf.org/info_plan_bureau/fi&p_waterqualitybmps.htm)).
3. Any change in use to a non-forestry purpose will require further permitting by the DES Wetlands Bureau.

4. There shall be no work in the water.
5. Work shall be done during low flow conditions.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project impacts 300 sq ft of a flood plain for bridge construction and is therefore a minimum impact project per Administrative Rule Wt 303.03(h), Installation of a bridge provided that:
  - (1) No work is done in the water or wetland;
  - (2) The fill does not exceed 3,000 sq ft of fill on the banks of a river or bed of the river; and
  - (3) The bridge is not in prime wetlands, bogs, marshes, sand dunes, undisturbed tidal buffer zone or does not meet the requirements of Wt 303.02(k);
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02465                      BROOKE LEASING & DEVELOPMENT CO INC**  
**TEMPLE   Unnamed Wetland**

Requested Action:

Impact 1,010 of palustrine forested wetlands to provide driveway access to 3 lots of a 13-Lot subdivision known as Brooke Estates.  
\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission did not sign the expedited application.

APPROVE PERMIT:

Impact 1,010 of palustrine forested wetlands to provide driveway access to 3 lots of a 13-Lot subdivision known as Brooke Estates.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., sheets 1-3 dated October 12, 2004, and sheets 4-6 dated October 6, 2004, as received by the Department on December 3, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low or non flow.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02718**

**USDA FOREST SERVICE, WHITE MTN NAT'L FOREST**

**BERLIN Cold Brook**

Requested Action:

Dredge and fill 1,952 square feet (including 420 square feet of temporary impacts) in riverine wetlands and within the banks of Cold Brook to replace York Pond Road Bridge (FDR 13) No. (5.43).

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments submitted by the local conservation commission.

APPROVE PERMIT:

Dredge and fill 1,952 square feet (including 420 square feet of temporary impacts) in riverine wetlands and within the banks of Cold Brook to replace York Pond Road Bridge (FDR 13) No. (5.43).

With Conditions:

1. All work shall be in accordance with plans by Dubois & King dated November 2003, as received by the Department on November 8, 2004.
2. This permit is contingent on review by the DES Wetlands Bureau of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
4. Work shall be done during low flow.
5. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. There shall be no excavation or operation of construction equipment in flowing water.
9. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

15. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.
2. No direct abutters.

**2004-02733                      PINEO, JAMES**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Fill approximately 1,400 square feet of forested wetland to install a driveway for access to a single family residential lot on approximately 4.63 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission DID NOT sign the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill approximately 1,400 square feet of forested wetland to install a driveway for access to a single family residential lot on approximately 4.63 acres.

With Conditions:

1. All work shall be in accordance with plans received by the Department on November 10, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during no flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

## FORESTRY NOTIFICATION

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**2004-02753                      GRANDMAISON, REMAUD**  
**NORTH STRATFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
No. Strtford Tax Map R11, Lot# 3

**2004-02871                      NEW FORESTRY, LLC, C/O LANDVEST**  
**GOSHEN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Goshen Tax Map 411, Lot# 10

**2004-02872                      SELF JR, CECIL & KATHY**  
**HARRISVILLE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Harrisville Tax Map 60, Lot# 24

**2004-02873                      ANDERSON, JAMES**  
**STRAFFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Strafford Tax Map 4 & 7, Lot# 10 & 35

**2004-02875                      DUMOINE FARMS CO, C/O WAGNER FOREST MGMT**  
**WINCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Winchester Tax Map 7, Lot# 50

**2004-02876                      HARRIS CENTER FOR CONSERVATION EDUCATION**  
**HANCOCK   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hancock Tax Map R6, Lot # 44B

**2004-02879                      DRED - NHDFL, INGE SEABOYER**  
**DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Deerfield Tax Map 243 & 407, Lot# 11 & 26



**2004-02880                      HJELM, ERIC & ELLEN**  
**BATH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bath Tax Map 14, Lot# 14 & 15

**2004-02881                      SPNH**  
**SHELBURNE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Shelburne Tax Map 7, Lot# 49

**2004-02882                      NH FISH & GAME DEPT, JAMES OEHLER**  
**WEARE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wear Tax map 407, Lot# 141

**2004-02885                      DUNN, IRMA**  
**SWANZEY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Swanzy Tax Map 63, Lot# 8

**2004-02886                      WHITE SYLVANIA TRUST, C/O EDWARD HARDING TRUST**  
**CENTER SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ctr Sandwich Tax Map R13, Lot# 35

**2004-02891                      SKINNY FOX TIMBERLAND LLC**  
**BENNINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bennington Tax Map 5, Lot# 3

**2004-02893                      BROOKS, ROBERT**  
**LISBON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lisbon Tax Map R4, Lot# 5A

**2004-02894                      THENDRA INC.**  
**RINDGE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rindge Tax Map 9-13, Lot# 1

**2004-02895**                      **SCANLAN, DAVID**  
**DANBURY**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Danbury Tax Map 415, Lot# 22

**2004-02896**                      **SIMARD, DONALD**  
**CAMPTON**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Campton Tax Map 14, Lot# 2-4

**2004-02897**                      **SPNHF**  
**NEWBURY**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Newbury Tax Map 28 & 29, Lot# 486,098 & 314,330

**2004-02898**                      **NEAL, HAVEN**  
**RANDOLPH**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Randolph Tax Map R5, Lot# 3

**2004-02899**                      **DUBEY, DAVE/JILL**  
**DUMMER**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Dummer Tax Map R20, Lot# 203

**2004-02917**                      **MERIDEN BIRD CLUB**  
**PLAINFIELD**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Plainfield Tax Map 12, Lot# 200

**2004-02919**                      **THOMPSON & DUNCKLEE INVESTMENT TRUST**  
**STEWARTSTOWN**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Stewartstown Tax Map A3, Lot# 1

**2004-02920 GOULD DEFINED BENEFIT PLAN, RICHARD  
CARROLL Unnamed Stream**

COMPLETE NOTIFICATION:  
Carroll Tax Map 416, Lot# 11

**2004-02922 GOULD, RICHARD & NANCY  
BETHLEHEM Unnamed Stream**

COMPLETE NOTIFICATION:  
Bethlehem Tax Map 420, Lot# 30

**2004-02923 SP FORESTS LLC, JOHN SUTTON  
ERVINGS LOCATIO Unnamed Stream**

COMPLETE NOTIFICATION:  
Erving Location Tax Map 1623, Lot# 1

**EXPEDITED MINIMUM**

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**2004-01791 BERUBE, DAVID  
LACONIA Lake Winnepesaukee**

Requested Action:

Construct a 6 ft by 4 ft concrete pad shoreward of full lake elevation, permanently remove an existing 4 ft by 42 ft seasonal dock and construct a 6 ft by 40 ft seasonal dock attached to the concrete pad, install a seasonal boatlift in the northern slip with a 27 ft by 9.5 ft seasonal canopy, repair 10 linear ft of existing retaining wall north of the dock, replace smaller stone on the shoreline to the south of the dock with larger rock of equal volume on Lake Winnepesaukee, Laconia.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application and submitted comments.

Inspection Date: 11/05/2004 by Darlene Forst

APPROVE PERMIT:

Construct a 6 ft by 4 ft concrete pad shoreward of full lake elevation, permanently remove an existing 4 ft by 42 ft seasonal dock and construct a 6 ft by 40 ft seasonal dock attached to the concrete pad, install a seasonal boatlift in the northern slip with a 27 ft by 9.5 ft seasonal canopy, repair 10 linear ft of existing retaining wall north of the dock, replace smaller stone on the shoreline to the south of the dock with larger rock of equal volume on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 6, 2004, as received by the Department on December 7, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Work shall be done during drawdown.
10. Wall repair shall maintain existing size, location and configuration.
11. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
12. Area shall be regraded to original contours following completion of work.
13. Repair of the shoreline to the south shall be in such a manner that no vegetation shall be removed and the shoreline shall appear as a natural shoreline.
14. This permit does not allow for maintenance dredging.
15. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
16. The seasonal pier shall be removed from the lake for the non-boating season.
17. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
18. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
19. The seasonal boatlift shall be removed for the non-boating season.
20. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), projects that disturb less than 50 linear ft of shoreline.
2. DES staff conducted a field inspection on August 27, 2004 and November 5, 2004. Field inspection found the area to the south of the dock was not an existing wall. Repair should replace some smaller stone with larger rock.

**2004-02324                      COURNOYER, ROBERT**  
**FREEDOM   Ossipee Lake**

Requested Action:

Install one 4 ft x 24 ft seasonal pier on 50 ft of frontage on Ossipee Lake.

\*\*\*\*\*

APPROVE PERMIT:

Install one 4 ft x 24 ft seasonal pier on 50 ft of frontage on Ossipee Lake.

With Conditions:

1. All work shall be in accordance with plans by Kathleen Ladd dated December 7, 2004, as received by the Department on December 7, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. The seasonal pier shall be removed from the lake for at least 5 months during the non-boating season.
8. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04 (a), construct a seasonal 2 slip pier.

**2004-02350                      KWADER, ALEX & LAURIE**  
**CHESTERFIELD   Town Brook**

Requested Action:

Impact 568 square feet to cross two (2) intermittent streams with one 18" culvert and one 43" x 27" pipe arch and install one (1) bridge over a perennial stream for forestry management practices.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission signed the expedited application, though requested clarification on one point of the expedited process relative to past work.

APPROVE PERMIT:

Impact 568 square feet to cross two (2) intermittent streams with one 18" culvert and one 43" x 27" pipe arch and install one (1) bridge over a perennial stream for forestry management practices.

With Conditions:

1. All work shall be done in accordance with plans by Green Mountain Forestry, received by DES on November 9, 2004 and plan supplements prepared by the US Department of Agriculture, NRCS, received by DES on September 29, 2004 and December 7, 2004.
2. All work shall adhere to the standards of the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire" published by the NH Dept. of Resources & Economic Development (also available on the Internet at: [http://www.nhdf.org/info\\_plan\\_bureau/fi&p\\_waterqualitybmps.htm](http://www.nhdf.org/info_plan_bureau/fi&p_waterqualitybmps.htm)).
3. Any change in use to a non-forestry purpose will require further permitting by the DES Wetlands Bureau.
4. Temporary skidder bridge shall span the brook completely without alterations to the channel or its banks and be removed immediately after completion of the permanent bridge crossing.
5. The temporary skidder bridge is for construction purposes only and shall not be utilized timber harvest operations.
6. Work shall be done during low or non flow conditions.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project impacts 568 sq ft for forestry practices and is therefore a minimum impact project per Administrative Rule Wt 303.04(g), installation of a culvert, pole, or rock ford and associated fill to permit vehicular access to a piece of property for forest

management.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02368                      FHS CONSULTING SERVICES, INC, FORREST SELL  
PITTSFIELD   Unnamed Wetland**

Requested Action:

Fill approximately 1,843 square feet of forested wetland to in construct a roadway and cul-de-sac into a 4-lot subdivision on approximately 6.14 acres.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Pittsfield Conservation Commission (CC) did not sign the Minimum Impact Expedited Application. The CC did comment on the project and has concerns with drainage problems.

APPROVE PERMIT:

Fill approximately 1,843 square feet of forested wetland to in construct a roadway and cul-de-sac into a 4-lot subdivision on approximately 6.14 acres.

With Conditions:

1. All work shall be in accordance with plans by A.C. Engineering & Consulting (Sheet 2 of 5) dated July 7, 2004 and revised November 18, 2004, as received by the Department on December 6, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow conditions.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A letter dated September 27, 2004 from the Pittsfield Conservation Commission expresses concern with drainage for the proposed project.

6. DES finds that no adverse impact will occur with the construction of the proposed roadway and the drainage will not be affected.

**2004-02668                      EXETER PARKS & RECREATION, TOWN OF EXETER**  
**EXETER   Squamscott River**

**2004-02679                      GILLAN, ERNEST**  
**ALTON   Unnamed Wetland**

Requested Action:

Impact approximately 938 square feet of a drainage swale to revegetate the swale for a new two-story 11,600 square foot boat sales and maintenance facility on a commercial lot.

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Conservation Commission/Staff Comments:

The Alton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact approximately 938 square feet of a drainage swale to revegetate the swale for a new two-story 11,600 square foot boat sales and maintenance facility on a commercial lot.

With Conditions:

1. All work shall be in accordance with plans by MJS Engineering, PC dated revised October 18, 2004 as received by the Department on November 2, 2004.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional wet meadow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with WT 304.04(a), the applicant received written consent for the abutter identified as Alexis Grey, Tax Map 32 Lot 14 concurring with the impacts relative the property line.

**2004-02681                      BEKEMEYER FAMILY TRUST, JANE BEKEMEYER TTEE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Install one 3 piling ice cluster and install 3 single piles along the dock to support the crib on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com signed Exp Applicaton

APPROVE PERMIT:

Install one 3 piling ice cluster and install 3 single piles along the dock to support the crib on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 2, 2004, as received by the Department on December 3, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. The piles installed adjacent to the dock are to repair the failing crib. These piles are to be removed when the crib needs complete repair.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), installation of a ice cluster.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The proposed modification is less impacting than repeated removal and repair of concrete decking and cribs.

**2004-02714                      FORDE, SCOTT**  
**CENTER CONWAY   Unnamed Wetland**

Requested Action:

Dredge and fill an approximate total of 223 square feet within the bed and banks of two (2) intermittent streams to install two (2) 2-foot by 25-foot culverts for driveway access to a single family residential lot on approximately 6.16 acres.

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Conservation Commission/Staff Comments:

The Conway Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill an approximate total of 223 square feet within the bed and banks of two (2) intermittent streams to install two (2) 2-foot by 25-foot culverts for driveway access to a single family residential lot on approximately 6.16 acres.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Survey, Inc., as received by the Department on November 8, 2004.



2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during no flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z) Installation of a culvert, bridge, pole, or rock ford and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02715                      DUPUIS FAMILY TRUST, HARVEY**  
**NEW BOSTON   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 2,078 of palustrine forested wetlands to provide roadway access in a proposed 14-Lot subdivision known as Olde Colony at New Boston.

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Conservation Commission/Staff Comments:

Conservation commission signed the expedited application.

APPROVE PERMIT:

Dredge and fill approximately 2,078 of palustrine forested wetlands to provide roadway access in a proposed 14-Lot subdivision known as Olde Colony at New Boston.

With Conditions:

1. All work shall be in accordance with plans by TFMoran, Inc. dated October 1, 2004, as received by the Department on November 8, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this

approval.

7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low or non flow conditions.
9. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02730                      DONAHUE, MARK**  
**SANDOWN   Unnamed Wetland**

Requested Action:

Impact approximately 50 square feet within the bed and banks of an intermittent stream to replace an existing stone culvert beneath Old Griffin Road with a 15-inch by 20-foot culvert to upgrade the road and improve drainage.

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Conservation Commission/Staff Comments:

The Sandown Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact approximately 50 square feet within the bed and banks of an intermittent stream to replace an existing stone culvert beneath Old Griffin Road with a 15-inch by 20-foot culvert to upgrade the road and improve drainage.

With Conditions:

1. All work shall be in accordance with The Road Improvement Plan (Sheet No. C1) by Sublime Civil Consultants, Inc. dated October 7, 2004, as received by the Department on November 10, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during no flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The removal of sediment per plan shall be done by hand.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. The culvert shall be laid at existing grade.
8. Proper headwalls shall be constructed within seven days of culvert installation.

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
11. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 10 days of the completion of construction.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**LAKES-SEASONAL DOCK NOTIF**

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**2003-01892                      MURRAY, ROBERT**  
**STODDARD   Highland Lake**

Requested Action:

Retain an existing 4 ft by 24 ft seasonal wharf accessed by two 4 ft by 8 ft seasonal walkways on Highland Lake, Stoddard.

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APPROVE AFTER THE FACT:

Retain an existing 4 ft by 24 ft seasonal wharf accessed by two 4 ft by 8 ft seasonal walkways on Highland Lake, Stoddard.

With Conditions:

1. All work shall be in accordance with plans by Robert Murray, as received by the Department on October 22, 2004.
2. This approval shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This shall be the only structure on this water frontage and all portions of the structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the structure shall extend more than 12 feet from the shoreline at full lake elevation.
6. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal dock.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02902                      BUREAU, DAVID**  
**HUDSON   Ottarnic Pond**

COMPLETE NOTIFICATION:  
Hudson Tax map 175, Lot# 69 Ottarnic Pond

#### SHORELAND VARIANCE / WAIV

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**2004-02474                      LANDERS TRUST, JOSEPH**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Relocation and improvement of an existing non-conforming residential structure within the primary building setback. Reconfigure the non-conforming residence by expanding the footprint of from 1,145 sq ft to 2,988 sq ft, increasing the footprint 1,843 sq ft and increase the primary building setback from 20 ft to 27 ft 6 in.

\*\*\*\*\*

APPROVE CSPA WAIVER:

Relocation and improvement of an existing non-conforming residential structure within the primary building setback. Reconfigure the non-conforming residence by expanding the footprint of from 1,145 sq ft to 2,988 sq ft, increasing the footprint 1,843 sq ft and increase the primary building setback from 20 ft to 27 ft 6 in.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on October 15, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
7. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
8. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft of the primary building setback to Lake Winnepesaukee and

therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to increase the primary building setback and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

## PERMIT BY NOTIFICATION

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**2004-02710                      TRETHEWEY, GEORGE**  
**BELMONT   Lake Winnisquam**

### Requested Action:

PBN#12, In-kind repair to an existing railroad tie retaining wall on Winnisquam Lake with approximately 91 feet of shoreline frontage.

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### Conservation Commission/Staff Comments:

The Belmont Conservation Commission signed the PBN.

### PBN IS COMPLETE:

PBN#12, In-kind repair to an existing railroad tie retaining wall on Winnisquam Lake with approximately 91 feet of shoreline frontage.

**2004-02883                      GREAT LAKES HYDRO AMERICA, LLC, STEPHEN MOCKLER**  
**GORHAM   Androscoggin River**

### Requested Action:

PBN#5, Maintenance dredge approximately 350 square feet of the Androscoggin River to repair 7 gates within the forebay gate structure.

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### Conservation Commission/Staff Comments:

The Gorham Conservation Commission signed the PBN.

### PBN IS COMPLETE:

PBN#5, Maintenance dredge approximately 350 square feet of the Androscoggin River to repair 7 gates within the forebay gate structure.